

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WESTCHESTER FIRE INSURANCE COMPANY,

Plaintiff,

-against-

TWINS ELECTRIC CORP., ALFONSO DI FUSCO,
ROSANNA DI FUSCO, ANTHONY DI FUSCO,
SAMANTHA DI FUSCO, FRANK DI FUSCO,
LORRIE DI FUSCO, STEVEN DI FUSCO,
AND JENNA DI FUSCO,

Defendants.
-----X

14-CV-7969

**PROPOSED DEFAULT
JUDGMENT**

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>03/19/2015</u>

This action having been commenced on October 2, 2010 by the filing of the
Summons and Complaint on the defendants:

- (i) Alfonso Di Fusco pursuant to F.R.C.P 4(e)(1) and C.P.L.R. § 308(4) by affixing a copy of the summons and complaint to the door of Alfonso Di Fusco's dwelling place and mailing a copy of each to defendant Alfonso Di Fusco at 46 Baron Drive, Hopewell Junction, NY 12533, defendant Alfonso Di Fusco's last known residence on October 31, 2014, and proof of such service thereof was filed on December 11, 2014;
- (ii) Rosanna Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. § 308(4) by affixing a copy of the summons and complaint to the door of Rosanna Di Fusco's dwelling place and mailing a copy of each to defendant Rosanna Di Fusco at 46 Baron Drive, Hopewell Junction, NY 12533, defendant Rosanna Di Fusco's last known residence on October 31, 2014, and proof of such service thereof was filed on December 11, 2014;

- (iii) Anthony Di Fusco pursuant to F.R.C.P. 4(e)(4) and C.P.L.R. § 308(2) by affixing a copy of the summons and complaint to the door of Anthony Di Fusco's dwelling place and mailing a copy of each to defendant Anthony Di Fusco at 25 Brigam Lane, Hopewell Junction, NY 12533, defendant Anthony Di Fusco's last known residence on October 31, 2014, and proof of such service thereof was filed on December 15, 2014;
- (iv) Samantha Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. § 308(4) by affixing a copy of the summons and complaint to the door of Samantha Di Fusco's dwelling place and mailing a copy of each to defendant Samantha Di Fusco at 25 Brigam Lane, Hopewell Junction, NY 12533, defendant Samantha Di Fusco's last known residence on October 31, 2014, and proof of such service thereof was filed on December 15, 2014;
- (v) Frank Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. § 308(2) by delivering a copy of each to Lorrie Di Fusco, a person of suitable age and discretion at defendant Frank Di Fusco's residence and mailing a copy of each to defendant Frank Di Fusco at 36 Lees Way, Hopewell Junction, NY 12533, defendant Frank Di Fusco's last known residence, on December 11, 2014, and proof of such service thereof was filed on December 15, 2014;
- (vi) Lorrie Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. § 308(1) by delivering a copy of each to defendant Lorrie Di Fusco personally on December 8, 2014, and proof of such service thereof was filed on December 15, 2014;

- (vii) Steven Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. 308(1) by delivering a copy of each to defendant Steven Di Fusco personally on October 29, 2014, and proof of such service thereof was filed on December 11, 2014, and
- (viii) Jenna Di Fusco pursuant to F.R.C.P. 4(e)(1) and C.P.L.R. § 308(2) on October 31, 2015 by delivering a true copy of each to Steven Di Fusco, a person of suitable age and discretion at defendant Jenna Di Fusco's residence and by mailing a copy of each to defendant Jenna Di Fusco at 171 Sandy Pines Boulevard, Hopewell Junction, NY 12533, defendant Jenna Di Fusco's last known residence on October 31, 2014, and proof of such service thereof was filed on December 11, 2014.

and defendants not having answered the Complaint, and the time for answering the Complaint having expired, it is:

ORDERED, ADJUDGED AND DECREED: That Plaintiff's motion for default judgment is granted in its entirety; and it is;

ORDERED, ADJUDGED AND DECREED: That Westchester Fire Insurance Company sustained bond losses and expenses of not less than the amount of \$182,084.84 ~~\$273,127.26~~ for which the Defendants as indemnitors are jointly and severally liable therefore to Westchester Fire Insurance Company; and it is;

ORDERED, ADJUDGED AND DECREED: That the Clerk of the Court enter a money judgment in favor of Westchester Fire Insurance Company doing business at 436 Walnut Street, Philadelphia, PA 19106 and against defendants, Alfonso Di Fusco, Rosanna Di Fusco, Anthony Di Fusco, Samantha Di Fusco, Frank Di Fusco, Lorrie Di Fusco, Steven Di Fusco, and Jenna Di Fusco, jointly and severally, in the amount of

\$182,084.84 plus 9% in interest from June 26, 2013, the date of the last bond loss payment until the date of the entry of Judgment by the Clerk of the Court ~~plus judgment~~

~~XX~~
~~In the amount of \$182,084.84 plus 9% in interest from date of entry of Judgment by the~~
~~XX~~
~~Clerk of the Court.~~

Dated: New York, New York
March 19, 2015

BY: 
U.S.D.J.

The Court retains jurisdiction over the adjudication of attorney's fees. As discussed on the record at the hearing held on March 19, 2015, Plaintiff shall submit any supplemental briefing on its entitlement to the contingency fee, including the contingency fee agreement and relevant legal authority on the Court's ability to award such a fee, by **March 27, 2015**.

The Clerk of Court is directed to terminate Docket No. 41 and to close the case.